

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SUMMER MARIE WHITE and
NITOSHA NICHOLE SAVOIE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TANYA SUE GARRISON,

Respondent-Appellant,

and

WILLIAM MILLARD WHITE and RICKY
ALLAN HALDERMAN,

Respondents.

UNPUBLISHED

May 13, 2008

No. 281789

Branch Circuit Court

Family Division

LC No. 06-003422-NA

Before: Donofrio, P.J., and Sawyer and Murphy, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(ii) (additional conditions exist), (g) (failure to provide proper care or custody), and (j) (child will be harmed if returned to parent). Because petitioner established by clear and convincing evidence the statutory basis for termination of parental rights and respondent-appellant leveled no challenge against the trial court's best interests determination, we affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondent-appellant's parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The original conditions leading to adjudication were respondent-appellant's methamphetamine addiction and incarceration, but the trial court did not terminate respondent-appellant's parental rights pursuant to §19b(3)(c)(i), finding that respondent-appellant had tested negative for methamphetamine and certain other substances for the entire 16-month proceeding and had been released from jail after one week's incarceration.

Other conditions requiring the children's wardship were respondent-appellant's lack of a safe, stable home environment and lack of employment to enable her to provide for the children, which constituted a failure to provide proper care or custody. Respondent-appellant was ordered to rectify those conditions at the August 29, 2006 initial disposition, review hearings were held on November 28, 2006, March 6, 2007, and June 12, 2007, and she was provided 16 months to stabilize her home environment and obtain stable employment. Respondent-appellant completed substance abuse treatment, and all of her 60 drug screens tested negative for methamphetamines. Her housing was unstable for approximately six months, but with her mother's financial assistance she maintained one residence for ten months. She did not obtain stable employment or address the underlying mental health issues that contributed to her poor decision-making and poor choices in relationships. She allowed Summer's abusive father into her home during visits with the children, and she instructed the children to lie about that fact. She changed residences three weeks before the termination hearing. Respondent-appellant's psychological evaluation stated that she was likely to exhibit surface cooperation, and the testimony of her substance abuse counselor and caseworker confirmed that respondent-appellant complied superficially, but did not make significant, long-term changes designed to stabilize her home environment.

The evidence showed that, regardless of whether respondent-appellant was abusing substances, the children had resided during their short lifetimes in too many homes to estimate, had attended no school longer than one year, and had been exposed to domestic violence. Testimony presented by the children's therapist showed that the home environment provided by respondent-appellant had caused them to suffer posttraumatic stress disorder. Although the evidence showed that the children loved respondent-appellant, the oldest child realized by the time the termination petition was filed that respondent-appellant was not able to act as a responsible parent.

Given the length of time respondent-appellant's home had been unstable and unsafe, and her lack of meaningful change during this proceeding, the trial court did not clearly err in terminating respondent-appellant's parental rights pursuant to §§19b(3)(c)(ii) and (g), finding that respondent-appellant had not rectified her home environment to become able to provide the children with proper emotional and physical care and was not expected to do so within a reasonable time. In addition, the trial court did not err in terminating respondent-appellant's parental rights pursuant to §19b(3)(j), finding that returning the children to a home environment that remained chaotic and unstable would result in the children's additional emotional harm.¹

Affirmed.

/s/ Pat M. Donofrio
/s/ David H. Sawyer
/s/ William B. Murphy

¹ The record reveals that the trial court found that termination of parental rights was in the best interests of the children.